

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
NOV 4 11:52  
CIVIL ACTION NO.

MARLOW WILLIAMS,  
Plaintiff

v.

& BOSTON POLICE DEPARTMENT  
Defendants

04-12346 MLW

RECEIPT # 59839  
AMOUNT \$ 150.00  
SUMMONS ISSUED N/A  
LOCAL RULE 4.1 ✓  
WAIVER FORM ✓  
MCF ISSUED ✓  
BY DPTY. CLK. M.P.  
DATE 11/4/04

MAGISTRATE JUDGE

MJB

**NOTICE OF REMOVAL**  
(Pursuant to 28 U.S.C. §1441)

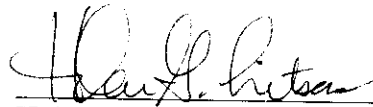
The Defendant City of Boston petitions, pursuant to 28 U.S.C. §1441, for removal from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts the action entitled *Marlow Williams v. City of Boston, et. al.*, currently pending in Suffolk County as Civil Action No. 2004-3534D.

1. This action alleges that Defendants violated the Federal civil rights of Plaintiff, Marlow Williams, by using excessive force during his arrest for assault and battery on a police officer, resisting arrest, and numerous other violations regarding an incident on February 4, 2003. Plaintiff further makes claims for the tortious acts of assault and battery and violations of the Massachusetts Civil Rights Act under G.L. c. 12, §111.
2. In his Federal civil rights claims, the Plaintiff specifically alleges that Defendants violated 42 U.S.C. §1983. This action clearly "arises under the Constitution treaties or laws of the United States" and is therefore removable under 28 U.S.C. §1441.
3. A fair reading of the facts and theories as a whole make it apparent that Federal statutory law and issues are an essential part of the case and therefore, Defendants have the statutory right to remove this action;
4. This Notice of Removal is being filed within thirty (30) days of service upon Defendants; and

5. Upon information and belief, the individually named Defendants have given their consent for removal.

WHEREFORE, Defendant petitions that this action be removed.

Respectfully submitted,  
DEFENDANT, CITY OF BOSTON  
Merita A. Hopkins  
Corporation Counsel  
By its attorney,

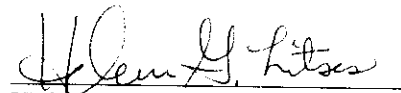


Helen G. Litsas  
Assistant Corporation Counsel  
BBO# 644848  
Thomas R. Donohue  
Assistant Corporation Counsel  
BBO# 643483  
City of Boston Law Department  
Room 615, Boston City Hall  
Boston, Massachusetts 02201  
(617) 635-4023 (Litsas)  
(617) 635-4039 (Donohue)

**VERIFICATION**

I, Helen Litsas, hereby swear under the pains and penalties of perjury that the statements of fact in the petition are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,  
DEFENDANT, CITY OF BOSTON  
Merita A. Hopkins  
Corporation Counsel  
By its attorney,

A handwritten signature in cursive script, appearing to read "Helen G. Litsas", is written over a horizontal line.

Helen G. Litsas  
Assistant Corporation Counsel  
BBO# 644848  
Thomas R. Donohue  
Assistant Corporation Counsel  
BBO# 643483  
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(617) 635-4023 (Litsas)  
(617) 635-4039 (Donohue)

**CERTIFICATE OF SERVICE**

I, Helen G. Litsas, hereby certify that I served the Defendant, City of Boston's Notice of Removal upon the Plaintiff by mailing a copy, postage prepaid, to:

Marlow Williams No. 0303857  
Suffolk County House of Correction  
20 Bradston Street  
Boston, MA 02108

11/4/04  
**Date**

Helen G. Litsas